



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 69-00  
5 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 5 March 1976 at age 17. The record shows that during the period from 17 December 1976 to 17 January 1978 you received nonjudicial punishment on six occasions. Your offenses were use and possession of marijuana on three occasions, four instances of disobedience, four short periods of unauthorized absence, drunkenness and breaking restriction.

On 24 February 1978 you were notified that administrative discharge action had been initiated. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. Subsequently, you received two more nonjudicial punishments for multiples instances of disobedience and disrespect. On 7 March 1978 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. Before the discharge could be issued you were an unauthorized absentee for about nine days. You were discharged under other than honorable conditions on 27 March 1978.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention that drug and alcohol abuse led to your misconduct. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your frequent and serious misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director